

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:13-cr-223-03

v.

HONORABLE PAUL L. MALONEY

JEFFREY MICHAEL STARRETT,

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Jeffrey Michael Starrett has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

On June 5, 2015, the Probation Department issued an Amended Eligibility Report indicating Defendant appears to be ineligible for consideration of a modification of sentence. Defendant has not filed any objection to the conclusion of the Probation Office.

Upon consideration of the motion, the Court finds that Amendment 782 provides

Defendant no relief. The statutory maximum term of imprisonment for the offense to which Defendant plead guilty is 5 years pursuant to 18 U.S.C. § 1952(a)(3). Absent the statutory maximum for the offense, Defendant's guideline range would have been 210 to 262 months based on a total offense level of 35 and a criminal history category of III. However, the guideline range becomes the statutory maximum pursuant to U.S.S.G. § 5G1.1(a) and Defendant was sentenced to 60 months imprisonment. As the resulting guideline range has not been lowered by Amendment 782, the amendment is of no assistance to the defendant. Accordingly,

IT IS HEREBY ORDERED that Defendant Jeffrey Michael Starrett's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) and for appointment of counsel (ECF No. 255) is **DENIED**.

Date: July 22, 2015

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge